



## 97TH GENERAL ASSEMBLY

### State of Illinois

### 2011 and 2012

### HB3592

Introduced 2/24/2011, by Rep. Michelle Mussman

#### SYNOPSIS AS INTRODUCED:

New Act

55 ILCS 5/5-1063.5 new

65 ILCS 5/11-30-11 new

415 ILCS 5/40.3 new

Creates the Grow Green Illinois Jobs Act. Provides that notwithstanding the provisions of any other Act, any State agency or unit of local government shall expedite permitting and approval for the siting and location of machinery and equipment used directly in generating electricity using fuel cells, low impact hydro, wind, geothermal resources, biomass, cogeneration, sun or landfill gas as the principal source of power within its jurisdictional or regulatory authority. Provides that in order to receive certification or approval for expedited permitting and approval under the Act, a person proposing to site a renewable energy project in the State shall meet the certain construction standards and conduct certain public workshops. Provides that issuance of a certificate or approval under the Act shall not be construed to preempt jurisdiction of any State agency or unit of local government over matters that are not included in and governed by the certificate, including, but not limited to, employee health and safety, wage and hour or other labor regulations, or other design and operational issues that do not relate to the siting of the renewable energy facilities. Provides that the provisions of the Act shall no longer apply on January 1, 2013 or, if an application for a renewable energy project in the State has been filed before January 1, 2013, until the application has been finally acted upon, whichever is later. Sets forth provisions concerning legislative intent and purpose and definitions. Amends the Counties Code, the Illinois Municipal Code, the Environmental Protection Act to make corresponding changes.

LRB097 08751 ASK 48880 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Grow  
5 Green Illinois Jobs Act.

6 Section 5. Legislative intent and purpose. The purpose of  
7 this Act is to speed the creation of green jobs in Illinois by  
8 requiring local governments and the State to expedite permits  
9 for renewable energy projects. It is the intent of this Act  
10 that local units of government and State agencies expedite  
11 permit applications and provide for public meetings on these  
12 applications in an accelerated and timely fashion.

13 Section 10. Definitions. As used in this Act:

14 "Fuel cell" means an electrochemical reaction that  
15 generates electricity by combining atoms of hydrogen and oxygen  
16 in the presence of a catalyst.

17 "Landfill" means a landfill as defined in Section 22.6 of  
18 the Environmental Protection Act.

19 "Landfill gas" means biomass fuel of the type qualified for  
20 federal tax credits under 26 U.S.C. 29 collected from a  
21 landfill or gas recovered and processed from a landfill gas  
22 recovery facility as defined in Section 3.260 of the

1 Environmental Protection Act.

2 "Low impact hydro" means an electric generating facility  
3 utilizing water for the generation of electricity, housed in  
4 existing canals or existing reservoirs and having a power  
5 production capacity of 25 kilowatts or greater.

6 "Machinery and equipment" means industrial fixtures,  
7 devices, and support facilities that are integral and necessary  
8 to the generation of electricity using fuel cells, low impact  
9 hydro, wind, geothermal resources, biomass, cogeneration, sun,  
10 or landfill gas as the principal source of power. "Machinery  
11 and equipment" does not include: (1) hand-powered tools; (2)  
12 property with a useful life of less than one year; (3) repair  
13 parts required to restore machinery and equipment to normal  
14 working order; (4) replacement parts that do not increase  
15 productivity, improve efficiency, or extend the useful life of  
16 machinery and equipment; (5) buildings; or (6) building  
17 fixtures that are not integral and necessary to the generation  
18 of electricity that are permanently affixed to and become a  
19 physical part of a building.

20 Section 15. Expedited permitting and approval process.

21 (a) Notwithstanding the provisions of any other Act, any  
22 State agency or unit of local government shall expedite  
23 permitting and approval for the siting and location of  
24 machinery and equipment used directly in generating  
25 electricity using fuel cells, low impact hydro, wind,

1 geothermal resources, biomass, cogeneration, sun, or landfill  
2 gas as the principal source of power within its jurisdictional  
3 or regulatory authority. The permitting and approval of such  
4 projects shall be a priority of each State agency or unit of  
5 local government.

6 For purposes of this Act, machinery and equipment shall be  
7 considered to be used directly in generating electricity with  
8 fuel cells or by low impact hydro, wind energy, geothermal  
9 resources, biomass, cogeneration, solar energy, or landfill  
10 gas power if it provides any part of the process that captures  
11 the energy of the fuel cells, low impact hydro, wind,  
12 geothermal resources, biomass, cogeneration, sun, or landfill  
13 gas, converts that energy to electricity, and stores,  
14 transforms, or transmits that electricity for entry into or  
15 operation in parallel with electric transmission and  
16 distribution systems.

17 (b) In order to receive certification or approval for  
18 expedited permitting and approval under this Act, a person  
19 proposing to site a renewable energy project in the State shall  
20 meet the following requirements:

21 (1) Certify his or her will to construct, install,  
22 operate, and maintain its facility in compliance with the  
23 most current edition of the National Electrical Safety Code  
24 published by the Institute of Electrical and Electronic  
25 Engineers Standards Association. Projects shall be  
26 constructed and operated in a manner to best accommodate

1 the public and to prevent interference with service  
2 furnished by other public utilities insofar as practical.

3 (2) Conduct informal public workshops at locations  
4 along or near the proposed facility. The purpose of the  
5 workshop is:

6 (A) to provide information about the project and  
7 the process for obtaining construction authority;

8 (B) to allow the developer and State or unit of  
9 local government to dispense information concerning  
10 the renewable energy project application; and

11 (C) to advise interested persons on how to  
12 participate in the State or local unit of government's  
13 review proceeding.

14 Notice of the public workshops shall be issued a minimum of  
15 14 days prior to the workshop to newspapers of general  
16 circulation and radio and television stations in the affected  
17 area.

18 (c) Issuance of a certificate or approval under this Act  
19 shall not be construed to preempt jurisdiction of any State  
20 agency or unit of local government over matters that are not  
21 included in and governed by the certificate, including, but not  
22 limited to, employee health and safety, wage and hour or other  
23 labor regulations, or other design and operational issues that  
24 do not relate to the siting of the renewable energy facilities.

25 Section 20. Application. The provisions of this Act shall

1 no longer apply on January 1, 2013 or, if an application for a  
2 renewable energy project in the State has been filed before  
3 January 1, 2013, until the application has been finally acted  
4 upon, whichever is later.

5 Section 100. The Counties Code is amended by adding Section  
6 5-1063.5 as follows:

7 (55 ILCS 5/5-1063.5 new)

8 Sec. 5-1063.5. Expedited permitting under the Grow Green  
9 Illinois Jobs Act. Notwithstanding any provision under this  
10 Act, any county shall expedite any permitting and approval  
11 required by that county for the siting and location of  
12 machinery and equipment used directly in generating  
13 electricity using fuel cells, low impact hydro, wind,  
14 geothermal resources, biomass, cogeneration, sun, or landfill  
15 gas as the principal source of power within its jurisdictional  
16 or regulatory authority if the person proposing to site a  
17 renewable energy project in the State meets the requirements of  
18 Section 15 of the Grow Green Illinois Jobs Act.

19 For the purposes of this Section, machinery and equipment  
20 shall be considered to be used directly in generating  
21 electricity with fuel cells or by low impact hydro, wind  
22 energy, geothermal resources, biomass, cogeneration, solar  
23 energy or landfill gas power if it provides any part of the  
24 process that captures the energy of the fuel cells, low impact

1 hydro, wind, geothermal resources, biomass, cogeneration, sun,  
2 or landfill gas, converts that energy to electricity, and  
3 stores, transforms, or transmits that electricity for entry  
4 into or operation in parallel with electric transmission and  
5 distribution systems.

6 Section 200. The Illinois Municipal Code is amended by  
7 adding Section 11-30-11 as follows:

8 (65 ILCS 5/11-30-11 new)

9 Sec. 11-30-11. Expedited permitting under the Grow Green  
10 Illinois Jobs Act. Notwithstanding any provision under this  
11 Act, any municipality shall expedite any permitting and  
12 approval required by that municipality for the siting and  
13 location of machinery and equipment used directly in generating  
14 electricity using fuel cells, low impact hydro, wind,  
15 geothermal resources, biomass, cogeneration, sun, or landfill  
16 gas as the principal source of power within its jurisdictional  
17 or regulatory authority if the person proposing to site a  
18 renewable energy project in the State meets the requirements of  
19 Section 15 of the Grow Green Illinois Jobs Act.

20 For the purposes of this Section, machinery and equipment  
21 shall be considered to be used directly in generating  
22 electricity with fuel cells or by low impact hydro, wind  
23 energy, geothermal resources, biomass, cogeneration, solar  
24 energy or landfill gas power if it provides any part of the

1 process that captures the energy of the fuel cells, low impact  
2 hydro, wind, geothermal resources, biomass, cogeneration, sun,  
3 or landfill gas, converts that energy to electricity, and  
4 stores, transforms, or transmits that electricity for entry  
5 into or operation in parallel with electric transmission and  
6 distribution systems.

7 Section 300. The Environmental Protection Act is amended by  
8 adding Section 40.3 as follows:

9 (415 ILCS 5/40.3 new)

10 Sec. 40.3. Expedited permitting under the Grow Green  
11 Illinois Jobs Act. Notwithstanding any provision under this  
12 Act, any State agency or unit of local government shall  
13 expedite any permitting and approval required for the siting  
14 and location of machinery and equipment used directly in  
15 generating electricity using fuel cells, low impact hydro,  
16 wind, geothermal resources, biomass, cogeneration, sun, or  
17 landfill gas as the principal source of power within its  
18 jurisdictional or regulatory authority if the person proposing  
19 to site a renewable energy project in the State meets the  
20 requirements of Section 15 of the Grow Green Illinois Jobs Act.

21 For the purposes of this Section, machinery and equipment  
22 shall be considered to be used directly in generating  
23 electricity with fuel cells or by low impact hydro, wind  
24 energy, geothermal resources, biomass, cogeneration, solar

1 energy or landfill gas power if it provides any part of the  
2 process that captures the energy of the fuel cells, low impact  
3 hydro, wind, geothermal resources, biomass, cogeneration, sun,  
4 or landfill gas, converts that energy to electricity, and  
5 stores, transforms, or transmits that electricity for entry  
6 into or operation in parallel with electric transmission and  
7 distribution systems.